

UNITED STATES DISTRICT COURT
CENTRAL DISTRICT OF CALIFORNIA

On July 10, 2012, Brandon Thomas (“Plaintiff”), a state prisoner proceeding pro se and in forma pauperis, filed a civil rights complaint pursuant to 42 U.S.C. § 1983 (“Complaint”) in the Northern District of California. On July 17, 2012, the case was transferred, and the Complaint was filed in this Court on August 3, 2012.

On September 28, 2012, the Court dismissed Plaintiff's Complaint with leave to amend. On October 29, 2012, Plaintiff filed a First Amended Complaint ("FAC").

On November 29, 2012, the Court dismissed Plaintiff's FAC with leave to amend. On January 30, 2013, Plaintiff filed a Second Amended Complaint ("SAC").

26 On February 11, 2013, the undersigned issued a Report and Recommendation
27 recommending that the claims against Defendant Cynthia Tompkins in the SAC be
28 dismissed without leave to amend. On April 2, 2013, the District Judge accepted the

1 findings and recommendations contained in the Report and Recommendation and ordered
2 the claims against Defendant Cynthia Tompkins dismissed without leave to amend.

3 On April 18, 2013, the Court issued a first Order, *inter alia*, directing the United
4 States Marshal (“Marshal”) to serve the SAC and requiring Plaintiff to file on or before May
5 2, 2013, (1) a Notice of Submission indicating that the required USM-285 forms and copies
6 of his complaint had been submitted to the Marshal, and (2) copies of the USM-285 forms
7 that were submitted to the Marshal. To date, Plaintiff has not filed a Notice of Submission or
8 the required USM-285 forms.

9 Moreover, on April 18, 2013, the Court issued a second Order directing Plaintiff to
10 complete the Prison Trust Account Withdrawal Authorization form consenting to the
11 withdrawal of funds from his account and to file a copy of this form with the court no later
12 than May 2, 2013. Plaintiff was explicitly cautioned that failure to authorize prison
13 authorities to withdraw funds from his account pursuant to this Order would be deemed to
14 consent to immediate dismissal of the action with prejudice. To date, Plaintiff has not filed a
15 copy of the Prison Trust Account Withdrawal Authorization form.

16 Accordingly, IT IS HEREBY ORDERED that Plaintiff SHOW CAUSE why this action
17 should not be dismissed for failure to prosecute and failure to comply with the Court’s April
18 18, 2013, Orders, which required him to file on or before May 2, 2013, (1) a Notice of
19 Submission and copies of the USM-285 forms, and (2) the Prison Trust Account Withdrawal
20 Authorization form. Plaintiff shall respond to this Order to Show Cause **in writing** on or
21 before **September 23, 2013**.

22 In responding, Plaintiff must: (1) file (a) the Notice of Submission, indicating that all
23 required documents have been submitted to the Marshal, (b) copies of the USM-285 forms
24 that were submitted, and (c) the Prison Trust Account Withdrawal Authorization form; **or** (2)
25 explain why he has failed to do so.

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1 Plaintiff is advised that failure to respond to this Order to Show Cause as directed will
2 result in the Court recommending that the case be dismissed for failure to prosecute and
3 failure to comply with a court order.

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5 DATED: September 9, 2013

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7 */s/ John E. McDermott*
8 JOHN E. MCDERMOTT
9 UNITED STATES MAGISTRATE JUDGE
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